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Notworth report
or memo?

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UNITED NATIONS WAR CRIMES COMMISSION

Trial of Kirmura Seikon by a
Temporary Court Martial at Batavia,
11th September, 1946.

1948-21.

The following translation of the judgment has been made available to the Secretariat by Commander M. W. Mouton, Netherlands Representative on the Commission.

S E N T E N C E .

I N T H E N A M E O F T H E Q U E E N !

The Temporary Court-martial at Batavia in the case of the Prosecutor, ratione officii, against:

KIMURA Seikon, aged 25, born at Funsan, Korea, civilian serving with the Japanese army, now in "Gloedok" prison.

In view of the order by the Prosecutor dated 26th August 1946 committing the case to the Temporary Court-martial for trial, in which order the accused has been charged:

that he at Semarang in or about the period from 1st June 1944 to the end of April 1945, thus in time of war, as a subject of an enemy power, namely Japan, and as a member of the camp administration staff, first at the civilian internee camp Gedangan and then of the civilian internee camp Bangkong, committed war crimes and caused these to be committed against the civilians, men, women and children, interned in the above mentioned camps, by carrying on a systematic reign of terror over the said persons contrary to the laws and customs of war. That this reign of terror consisted in repeatedly, unnecessarily, and in any case in a way far overstepping the bounds of a normal exercise of discipline, violently and deliberately ill-treating them or at anyrate many of them and causing them to be ill-treated by deliberately giving them an uninterrupted succession of heavy blows for a length of time on end, using the fist, leather straps, clubs and so on, kicking them with the shod foot and for several days withholding or causing to be withheld all food from them or at anyrate a number of them, the which reign of terror caused serious bodily suffering to the aforesaid persons, which suffering caused or at anyrate hastened the death of many of them, which acts are provided for and made punishable by art.4 and following of the War Crimes Penal Law Decree, Statute Book 1946, No.45.

In view of the writ and summons dated 30th August 1946 whereby the accused is called upon to appear at 9 a.m. on Monday, 9th September, 1946 at the sitting of the Temporary Court-martial held in the building of the former Supreme Court of the Netherlands East Indies;

In view of the demand read out by the Prosecutor in front of and then handed to the Temporary Court-martial, to the effect:
that the Temporary Court-martial declare the accused KIMURA Seikon, guilty of the war crime "Systematic terrorism" and on that account condemn him to the death penalty.

In view of the -

In view of the documents in the case, shown to and seen by the accused where use was made of them;

In view of that which was put forward in his defence by the accused and his counsel;

Considering that accused acknowledged that he was at Semarang from 19th June 1944 till the middle of December of that year and then till April 1945, and that as "yoonin", the lowest "civilian" rank in the Japanese Army, he worked as third ranking member in the camp administration, during the first mentioned period at the civilian internee camp Gedangan and during the second period at the civilian internee camp Bangkong, it being his business to supervise the guards and maintain discipline among the internees;

that he acknowledges in this connection having beaten internees nine or ten times and that he also once made seven Heihos (members of an auxiliary volunteer army formed in the Netherlands East Indies from other than Dutch and incorporated in the Japanese army: they often acted as guards,) each give Mrs. Taylor-Kraay three blows with their fist because she had been guilty of smuggling in cigarettes;

that he emphatically denies having withheld food from the internees or caused it to be withheld, he not having ^{the} authority to do so in view of his low rank in the camp administration, and also denies that he exercised terrorism of any sort, the facts acknowledged by him having to be regarded as necessary for the maintenance of discipline:

Considering that statements made by the following witnesses during the preliminary investigation were read out among others at the sitting:

1. with regard to the Gedangan camp:

Witness Dr. Lehrer: that while in Gedangan camp on his way through to that at Bangkong he witnessed the ill-treatment of Dr. Markowitz who was beaten over the shoulders by accused with a bit of wood;

Witness Glerum: saw the accused ill-treating the Smits family, striking Mrs. Smits and her daughter with his hand and hitting Mr. Smits with the butt of a rifle after which he banged the latter's head several times against the ground; that further he saw that in the Bangkong camp accused severely beat men and even children preferably using a leather strap having a metal clasp on it;

Witness Ribbe: confirmed the ill-treatment of the Smits family; stated that he himself had been ill-treated with a strap and a bayonet, and that he was a witness of the ill-treatment of several internees;

Witness Mrs. Smits: that accused repeatedly ill-treated her either with a strap or a rifle butt, saying: "bikin mati (I will kill you)"; that she could further confirm the ill-treatment of her husband and daughter; that the day after she and her daughter had been ill-treated the accused again beat them with a leather strap;

that Mrs. de Groot, who was on fire-guard duty and was feeling ill, was caught "sitting" by the accused who gave her such a thrashing with a piece of wood for this transgression that her left arm was broken in two places;

Witness Smits (daughter) confirmed her parents' statements;

that she also saw a twelve year old girl being cruelly thrashed by the accused because she did not salute him quick enough;

that because Mrs. van der Zweep could not stand to attention quick enough as she was holding a frying-pan accused struck her to the ground, a treatment she had to undergo a number of times, and as a result of the injuries she received she had to be admitted to hospital;

Witness Wennekes: that in Gedangan and Bangkong camps he saw accused repeatedly hitting men, women and children;

Witness Cassameyer: that in Gedangan camp he saw accused beating two women with a washing-line folded in four;

that he saw a deaf lady being beaten with a belt folded in two;

that accused cruelly ill-treated a twelve year old girl;

Witness Zwart: that on 17th October, 1944 she was ill-treated by the accused because she did not take up quite the proper attitude when standing to attention;

that he followed

that he followed this up by hitting her on the back a number of times with a wooden lath;
that accused repeatedly beat internees in the camp;
that these ill-treatments were carried out with clubs, straps or the fist, also by kicking;
that children were not spared, the twelve year old girl Jopie Mans being among those who suffered;
that about 26th October, 1944 Mrs. Taylor-Kraay, who had confessed honestly to the camp commandant that she had smuggled in cigarettes, was on account of breaking this rule struck on the face by seven Heihos with their hand for half-an-hour on end, till she fell down unconscious, this by accused's orders;
that after this her head swelled up to twice its normal size and she was deaf in one ear;

Witness Vriens: that in September, 1944 she was several times struck on the head and in the face because she failed to attend roll-call, which she was not compelled to do owing to illness;

that a few weeks later she was again ill-treated in connection with a kitchen affair;

that in October, 1944 she was ill-treated for the "third time" by the accused who added that a "hantjoo" that had been beaten three times had better be beaten to death, that she was then so hit over the head with an iron-pointed ruler that she received a large wound, had to be medically treated and afterwards suffered continuously from bad headaches;

Witness Teunissen: confirmed the ill-treatment of Vriens; stated that accused struck Mrs. van der Zweep and Denger on the face till they became unrecognisable and that he broke Mrs. Wijndt's arm;

Witness Zaalberg: confirmed the ill-treatment of Mrs. de Groot and that Mrs. van der Zweep was beaten by the accused with a bit of wood, stating that as a result of this ill-treatment she went off her head and had to be taken to a mental asylum;

Witness Estourgie: that about the beginning of October, 1944 her sister was caught by the accused practising the accordion which she was allowed to do by permission of the camp commandant;

that accused then took her and her sister to his office where they had to listen to a sermon about the enormity of making music at a time when things were not going well for Japan;

that as a punishment they were then hit with the fist and also with a bit of wood after which the accused struck her, witness, a number of times on the neck with a sword, and that she then had to work on the land with a "patjel" (a sort of spade) for the next ten months as a further punishment;

Witness Strous-Estourgie: fully confirmed the previous witness' statement;

Witness Wiebolts: that accused carried on a perfect reign of terror in Godangan camp where he was always hitting out with a strap, rope and sticks;
that she had been present on several occasions where this had caused concussion and open wounds on the back and legs;

Witness Lobaau: confirmed the ill-treatment of Mrs. Taylor-Kraay and Mrs. de Groot;

stated that accused used to say in the camp in the morning: "I am coming this evening to beat 10, 30 or 40 women", and that he did in fact come in the evening and strike the said number of women in such a way on the face that subcutaneous extravasations took place and the victims went about with exceptionally swollen faces which he, witness, a doctor, had to treat;

Witness Arratoon: confirmed the ill-treatment of the women van der Zweep and Taylor-Kraay;

Witness Kulb: confirmed the ill-treatment of van der Zweep and Taylor-Kraay;

Witness Klein-Sluyter: confirmed the ill-treatment of van der Zweep, Zwart and de Groot;

Witness Zaalberg-Claudie: confirmed the ill-treatment of the women de Groot and van der Zweep;

Witness Dr. de Graaf-van Vessen: that accused often used to beat people for no reason at all;

Witness Peeters-Luyk: that accused behaved like a beast and when he once started

hitting could not stop;

hitting could not stop;
that without any reason he beat the first he could get hold of till they could no longer stand;
that some were carried into the hospital completely crippled;
that accused sometimes had the ill-treatment carried out by "Heiho's" and that the children were almost nervous wrecks through fear of the scoundrel;
that she, witness, saw several women so beaten by accused that their flesh was in rags;

Witness Scheffener-Kulb: that accused was always beating and kicking the approximately 2000 women in the camp in a horrible way, and that he also ordered the "Heiho's" who guarded the camp to do the same;

Witness Meppelink: that she repeatedly saw the accused ill-treating women and girls with a strap or stick;

that he once so ill-treated a girl that she was not able to walk for days;

2. with regard to the statements of witnesses in respect to the Bangkong camp:

Witness Dr. Lehrer: that Vink, his male nurse, was repeatedly ill-treated by the accused, this causing nervousness among the patients;

Witness Vink: that he was several times ill-treated by the accused who, among other things, hit him across the shoulders, on the neck and in the abdomen with a club, on the back with a rope, and in the abdomen with his fist, while he, witness, was also thrown to the ground a number of times;

Witness de Graaf: that about February, 1945 the internees in his hut who, like him, were exempt from roll-call, were made by accused to line up in the open because one patient had been outside the hut during a roll-call and the accused had seen this;

that witness, who had never been at roll-call, had difficulty in numbering off in Japanese;

that accused then struck witness with a short sword whereupon he, witness, raised his arm to protect himself;

that accused then hit out at witness' arm with his sword, following this up by giving him blows on the face as a result of which witness fell down and became unconscious;

that he was then taken into hospital and kept there three months because his arm having been broken;

Witness van Son: confirmed the ill-treatment of de Graaf;

Witness Dr. Neubenger: confirmed the ill-treatment of de Graaf, adding that being wounded in that way was very dangerous in view of the victim's age;

Witness Eykhout: that he repeatedly saw accused hit men, women and children in the camp;

Witness Woud: confirmed the ill-treatment of de Graaf; stated that he had repeatedly seen internees in the camp being beaten by the accused;

Witness Toonen: that he had seen the accused once hitting the Englishman Llewellyn violently on two occasions and the Australian Cowell on one, using his bare fist and a leather strap, striking them on the face and kicking them in the abdomen;

that, furthermore, the accused once beat a certain d'Ancona severely on his bare body with a leather strap, and he once had food kept for three whole days from three of the internees on account of smuggling and then for the next six weeks only allowed them to receive a little cassava porridge each day;

Witness Bronkhorst: that the so-called carpenters' gang in the camp smuggled in food and cigarettes;

that among others belonging to this gang were witness and a Mr. Rens;

that in April 1945 the affair was discovered whereupon the above-mentioned persons were ordered to appear before the accused;

that the accused then beat them with a thick club, straps and sticks;

that Mr. Rens was unfortunate enough to ward off one blow upon which the accused got into a rage and beat him in such a way that the doctor afterwards found out that some of his ribs were broken;

that after this punishment they were shut up in cells for a week and for the first three days were given nothing to eat;

that Mr. Rens who was extremely weak and suffered from oedema, died three months

later; that -

later;
that according to the doctor his death was the result of the ill-treatment he had received;

Considering that the above does not furnish proof that food was withheld by the accused as imputed;

Considering, however, that the statements of the above witnesses taken in conjunction with what has been admitted by the accused at the sitting have legally and convincingly proved the other acts with which the accused has been charged;

that in the opinion of the Court these acts were of the character of "systematic terrorism" as they were frequently applied over a lengthy period to a camp population which was a docile one, as the accused himself concedes, so that these grave ill-treatments entirely overstepped the bounds necessary for the maintenance of discipline;

that as the Court knows from its own experience, such ill-treatments are calculated in the highest degree to shatter the health and morale of prisoners already weakened by a long period of internment;

Considering that the accused must thus be declared guilty of the crime specified further on and on ^{that} account sentenced to punishment;

Considering with regard to the punishment to be inflicted on the accused;

that accused, who for about a year had given full reign to his sadistic tendencies, venting these on defenseless civilian internees, for the most part women, who through their long internment by the Japanese had been brought to the edge of starvation and despair, thereby committed a serious war crime and gave evidence of such a mentality that in connection with the severe standard accepted by the allies for the trial and punishment of war criminals the severest penalty must here be pronounced;

In view of art.1, para.2, of Statute Book 1946 No.44 in conjunction with art.4 of Statute Book 1946 No.45, and Statute Book 1946 No.47: [N.B. see Statute Book No.74 for this latter]

ADMINISTERING THE LAW

declares the accused

KIMURA SEIKON

guilty of the war crime "Systematic terrorism";

Condemns him on that account to the death penalty.

Sentence passed on 11th September, 1946 by:
Col. Dr. J. H. Peter, President
Lt. Col. Dr. M. L. Swaab }
Capt. Dr. E. Rijckmans } Members.

in the presence of:

1st Lt. Dr. J. G. H. van der Starp, Secretary,
and summed up and decreed on 2nd October, 1946.

Noted by me:
The Secretary,
s/J. G. H. van der Starp.

The President,
s/J. H. Peter.

Members,
s/M. L. Swaab.
Rijckmans.

Fiat of execution-

Fiat of Execution.

Fiat of execution of the above sentence has been granted this day,
7th October 1946, by me, Ch.W.Abbenhuis.

The Chief Commanding Officer of the
A.M.A.C.A.B. for West and Central Java,
Soerakarta and Jogjakarta,

s/Ch.W.Abbenhuis.

Pronounced at the sitting of the Temporary Court-martial on 11th October
1946 by Col.Dr.J.H.Peter, president, in the presence of Lt.Col.Dr.M.L.Swaab,
Capt.Dr.E.Rijkmans, members, 1st Lt.Dr.J.G.H.van der Starp, secretary,
Dr.R.J.Beer, prosecutor, the accused, and counsel for the defence.

Noted by me:
The Secretary,
s/J.G.H.van der Starp.

The President,
s/J.H.Peter.